

REMARKS

The Official Action dated December 9, 2003 has been carefully considered. By the present Amendment, claim 76 has been amended, in accordance with the Examiner's suggestions, to clarify that it is the conditioning treating composition which is formulated so that any damage as a result of washing the one or more shoes with or in an aqueous medium with application is reduced as compared to washing the one or more shoes with or in a aqueous medium without application, as taught in the embodiment described in the specification at page 4, lines 3-10 and page 55, lines 20-25. The present amendment to claim 89 is also in accordance with the Examiner's suggestion to clarify that the treating composition contained within either one or both the containment bag(s) and the wash solution comprises the cleaning treating composition.

Applicants acknowledge and appreciate the Examiner's indication of allowable subject matter. Specifically, the Examiner states that claim 86 was allowed because the prior art of record does not teach or suggest a method for washing one or more shoes comprising, prior to washing with or in an aqueous medium, adding a conditioning treating composition to the inside of the one or more shoes or to a wash solution, so that any damage as a result of washing the one or more shoes is reduced as compared to washing without application of the conditioning composition. Claims 90 and 108 were allowed as further limiting claim 86.

Further, Applicants acknowledge and appreciate that the October 10, 2003 amendment was entered. Accordingly, claims 76-108 are pending in the Application.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 76-85, 87-89, and 91-107 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that in Claim 76, the phrase "wherein at least one of the treating compositions is formulated

so that any damage as a result of washing the one or more shoes with or in aqueous medium with application of the at least one treating composition is reduced as compared to washing the one or more shoes with or in an aqueous medium without application of the at least one treating composition" renders the claim indefinite because it is not clear from the phrase that claim 76 is directed to the allowable embodiment wherein the treating composition which reduces damage from washing is the conditioning treating composition as described in the specification as filed.

Further, the Examiner asserted that Claim 89 was indefinite because it is not clear from the claim language that the claim is directed to the allowable embodiment wherein either one or both the containment bag(s) and the wash solution contain the cleaning treating composition.

The grounds for this rejection have been obviated and reconsideration is respectfully requested. Applicants submit that the present amendment to claim 76, which incorporates the suggested clarifications of the Examiner, overcomes this rejection by clarifying that it is the conditioning treating composition which confers the relative decrease in wash-related damage benefit. In addition, the amendment to claim 89 is also in accordance with the Examiner's suggestions, and clarifies that one or both the containment bag(s) and the wash solution contain the cleaning treating composition. Hence, Applicants believe that the rejection of claims 76-85, 87-89, and 91-107 under 35 U.S.C. §112, second paragraph, has been overcome and reconsideration is respectfully requested.

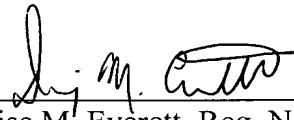
Third Request for Missing Initialed Form-PTO 1449

On March 21, 2003, Applicants submitted a Request Under 37 C.F.R. 1.312 for Acknowledgement of Receipt of Information Disclosure Statement, asking that the Examiner-initialed copy of the Form PTO-1449 from the Information Disclosure Statement be provided, and subsequently received an Office Communication on June 5, 2003

purporting to include this form. **However, the form was not attached and Applicants are still awaiting the Examiner-initialed Form PTO-1449.** For the Examiner's convenience, a copy of the Form PTO-1449 as originally filed is attached.

It is believed that the above represents a complete response to the Examiner's rejections under 35 U.S.C. § 112, second paragraph, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

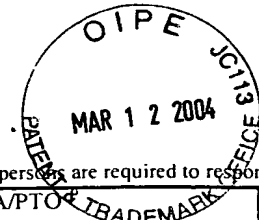
Respectfully submitted,



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<p style="text-align: center;">Substitute for form 1449A/PTO TRADEMARK</p> <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(use as many sheets as necessary)</p> <p>SHEET 1 of 1</p>	<p style="text-align: center;">COMPLETE IF KNOWN</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Parent Application Number</td> <td>09/693,224</td> </tr> <tr> <td>Confirmation Number</td> <td></td> </tr> <tr> <td>Filing Date</td> <td>November 5, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Keith Homer Baker, et al</td> </tr> <tr> <td>Group Art Unit</td> <td>1755</td> </tr> <tr> <td>Examiner Name</td> <td></td> </tr> <tr> <td>Attorney Docket Number</td> <td>7836XD</td> </tr> </table>	Parent Application Number	09/693,224	Confirmation Number		Filing Date	November 5, 2001	First Named Inventor	Keith Homer Baker, et al	Group Art Unit	1755	Examiner Name		Attorney Docket Number	7836XD
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U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	U.S. PATENT DOCUMENT Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	4,285,841		Barrat, et al	08/25/1981	
	2	4,767,563		de Buzzaccarini	08/1988	
	3	5,306,444		Kitamura, et al.	04/1994	
	4	5,431,840		Soldanski, et al.	07-1995	
	5	5,482,644		Nguyen, et al.	01-1996	
	6	5,576,282		Miracle, et al	11/19/1996	
	7	5,883,064		Baek, et al	03/16/1999	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	FOREIGN PATENT DOCUMENT Office ³ Number ⁴	Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ⁶
	1	PCT	WO 97/00738	Lucia, et al	01/09/1997		
	2	PCT	WO 99/36499	Mobaier, et al	07/22/1999		
	3	JP	63-288,187	Okanishi	11/25/1988		
	4	JP	09-087,685	Mikami	03/31/1997		
	5	JP	09-271,597	Yoshioka	10/21/1997		
	6	JP	20-00014965	Hosokawa	01/18/2000		
	7	JP	63-317,192	Alasaka	12/26/1988		
	8	DE	42 29 660 A1	Kottwitz, et al	03/10/1994		
	9	EP	0 786 514 A2	Bory, et al	07/30/1997		
	10	UK	378400	Hubmajer	08/02/1932		
	11	BR	93-04039-3A	Remali	06/20/1995		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶

EXAMINER	DATE CONSIDERED
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SERIAL NO.	10/007,449
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APPLICANT	Keith H. Baker et al
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FILING DATE	November 5, 2001	GROUP	1751
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FOR Compositions for Treating Shoes and Articles Employing Same

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	ai	Commercial Products (27 pages)
	aj	Baker et al U.S. Application Serial No. 10/227,761 filed August 26, 2002
	ak	Baker et al U.S. Application Serial No. 09/992,757 filed November 6, 2001
	al	Baker et al U.S. Application Serial No. 09/785,876 filed February 16, 2001
	am	Frisch et al U.S. Application Serial No. 09/693,314 filed October 4, 2000
	an	Rogers et al U.S. Application Serial No. 09/666,113 filed September 20, 2000

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.